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June 6, 1996

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Robert L. Morgan, P.E.
Utah State Engineer
1636 West North Temple #200
Salt Lake City, UT 84116-3156

RECEIVED
JUN - 7 1996
WATER RIGHTS
SALT LAKE

Re: Jones v. NAF Irrigation Company, et al
Case No. 92-00014

Dear Mr. Morgan:

I have been retained by the NAF Irrigation Company and certain individuals who are defendants to a lawsuit pending in the Fifth Judicial District Court of the State of Idaho, in and for the County of Twin Falls. I anticipate that my involvement in this dispute will be limited to issues and claims that fall within to the jurisdiction of your office or the jurisdiction of the Utah courts. Mr. Roger D. Ling is representing the defendants in the Idaho litigation and handling matters which are properly before the Idaho Department of Water Resources.

The purpose of this letter is to formally comply with the order entered by the district court of Idaho which requires the parties to request the assistance of the Idaho Department of Water Resources and the Utah Division of Water Rights for the purpose of developing a comprehensive water distribution plan for the waters of Clear Creek. A copy of the court's order is enclosed with this letter. I understand that legal counsel for the parties on both sides, and your attorney and staff, have already discussed the circumstances of this dispute and the need for your office to become involved. You will note that the concept of the distribution plan and the appointment of one or more water masters is consistent with the discretion of the State Engineer to appoint water commissioners for the distribution of water from any river system under Utah Code Ann. § 73-5-1. You may consider this request on behalf of the defendants to fall within this statutory framework as well as complying with the Idaho court's order.

There has already been some delay in implementing the court's order due to my clients' efforts to retain local counsel in Utah. Anything you can do to expedite our request will be appreciated. To comply with 73-5-1, I suggest that notice of the joint meeting to discuss the distribution plan be sent to all affected water users on Clear Creek rather than just limiting the notice to the named parties to the Idaho litigation. Please let me know if I can provide further assistance.

Sincerely,

WILLIAMS & HUNT



Marc Wangsgard

MTW/bar

Enclosure

cc: Jeff Sessions
Mont Campbell
LaVern Kempton
Larry Kempton
Roger D. Ling
Robert Fotheringham
John Mabey
Lee Sim
Patrick D. Brown